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07-CV-00753-ORD

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON
 AT SEATTLE

ANDRE B. YOUNG,)	Case No. C07-753-JLR
)	
Petitioner,)	
)	
v.)	
)	ORDER OF TRANSFER
STATE OF WASHINGTON, et al.,)	
)	
Respondents.)	

Petitioner Andre B. Young is currently under the jurisdiction of the Washington Department of Social Health Services pursuant to an order of civil commitment entered in King County Superior Court in 1991. The present matter comes before the Court on petitioner's challenge to his civil commitment by way of a 28 U.S.C. § 2254 petition for a writ of habeas corpus. This petition is not his first. A review of this Court's records reveals that petitioner has filed at least two previous § 2254 petitions challenging his civil commitment. *See, e.g., Young v. Weston, et al.*, Case No. C94-480-JCC; *Young v. Seling*, Case No. C04-959-RSL. The first petition was ultimately denied on its merits in February 1998. *See Young v. Weston, et al.*, Case No. C94-480-JCC, Dkt. No. 165. Another was deemed successive and transferred to the Ninth Circuit Court of Appeals. *See Young v. Seling*, Case No. C04-959-RSL, Dkt. No. 4. After careful consideration of the petition, governing law, and the balance of the record, the Court ORDERS as follows:


ORDER OF TRANSFER
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01 (1) Because petitioner has filed at least two previous federal habeas petitions
02 challenging the same confinement he seeks to challenge here, including one that was denied
03 on the merits, the instant petition must be deemed successive. As petitioner has previously
04 been advised, this Court lacks jurisdiction to consider a successive petition until the Ninth
05 Circuit authorizes its filing. 28 U.S.C. § 2244(b)(3)(A). Accordingly, this case is
06 TRANSFERRED to the Ninth Circuit Court of Appeals pursuant to 28 U.S.C. § 1631 and
07 Ninth Circuit Rule 22-3.

08 (2) Petitioner is advised that this transfer does not itself constitute compliance
09 with § 2244(b)(3) and Ninth Circuit Rule 22-3. Petitioner must still file a motion for leave to
10 proceed in the Ninth Circuit and make the showing required by § 2244(b)(2).

11 (3) The Clerk of Court is directed to CLOSE THIS CASE and TRANSFER all
12 original documents to the Ninth Circuit Court of Appeals. The Clerk shall, however, retain a
13 copy of the petition and of this Order in the file. The Clerk is further directed to send a copy
14 of this Order to petitioner and to the Honorable James P. Donohue.

15 DATED this 23rd day of May, 2007.

16
17 
18 JAMES L. ROBART
19 United States District Judge
20

21 Recommended for entry
22 this 21st day of May, 2007.

23 s/James P. Donohue

24 _____
25 JAMES P. DONOHUE
26 United States Magistrate Judge